

Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, D.C. 20554

In the Matter of

Rulemaking to Amend Parts 1, 2, 21  
and 25 of the Commission's Rules  
to Redesignate the 27.5-29.5 GHz  
Frequency Band, to Reallocate to  
the 29.5-30.0 GHz Frequency Band,  
to Establish Rules and Policies for  
Local Multipoint Distribution Service  
and for Fixed Satellite Services

CC Docket No. 92-297

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

To: The Commission

**REPLY COMMENTS**

Motorola Satellite Communications, Inc. ("Motorola") hereby submits these reply comments in response to the Commission's Fourth Notice of Proposed Rulemaking in the above-captioned proceeding.<sup>1/</sup> Motorola is an interested party in this rulemaking proceeding as an Mobile Satellite Service ("MSS") licensee that has conditionally been authorized to construct its feeder links and system control links in the 19/28 GHz bands for the IRIDIUM® System.<sup>2/</sup> The Commission's First Report and

<sup>1/</sup> First Report and Order and Fourth Notice of Proposed Rulemaking, FCC 96-311 (rel. July 22, 1996) ("First Report and Order" and "Fourth Notice")

<sup>2/</sup> Motorola Satellite Communications, Inc., 10 FCC Rcd 2268 (Int'l Bureau 1995); reconsideration denied, Memorandum Opinion and Order, FCC 96-279 (rel. June 27, 1996).

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Order in this proceeding concluded that Non-geostationary Satellite Orbit (NGSO) MSS feeder link earth stations, such as Motorola's, and LMDS operations would share 150 MHz of spectrum at 29.1-29.25 GHz subject to significant constraints on both types of service.

Motorola applauds the Commission's efforts to find creative solutions to what has been an exceedingly complex and contentious set of issues. Subject to affirmative answers to the questions posed by the Commission in the Fourth Notice, Motorola urges the Commission to promptly adopt the proposed LMDS allocation at 31 GHz. Motorola takes issue only with those few commenters that have questioned the Commission's wise decision to adopt all of the negotiated sharing rules for NGSO MSS and LMDS operations in the 29.1-29.25 GHz band, especially the limitation on LMDS subscriber-to-hub traffic in that band.

In its First Report and Order, the Commission adopted the prohibition on transmission of LMDS subscriber transceivers in the 150 MHz of shared LMDS/NGSO MSS spectrum based upon a lack of consensus on sharing criteria.<sup>3/</sup> The Commission correctly noted that after months of extensive discussions, "we agree with the parties that, at this time, undesirable constraints would need to be placed on either Motorola's NGSO/MSS system feeder links or LMDS subscriber-to-hub links in order to permit sharing in this 150 MHz band segment."<sup>4/</sup> While the Commission left open the possibility of reconsidering the LMDS uses in this band segment, it only did so in the

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<sup>3/</sup> First Report and Order, at paras. 37, 71.

<sup>4/</sup> Id.

unlikely event that "the parties in the future agree that LMDS return links can operate here in this band under mutually acceptable sharing criteria with NGSO/MSS licensees and applicants."<sup>5/</sup> Given this slim opening, some LMDS proponents would like the Commission to reconsider its well-reasoned decision now.<sup>6/</sup>

This view, however, is not even shared by all of the LMDS proponents. Indeed, ComTech Associates, Inc. asserts quite forcefully that it would be inequitable to those that plan on bidding for the available LMDS spectrum for the Commission to later alter or change its co-frequency sharing decisions.<sup>7/</sup> ComTech urges the Commission not to permit any additional sharing arrangements other than those sharing arrangements already contained in the First Report and Order. In addition to ComTech, other LMDS proponents apparently agree with the Commission's decision that co-frequency sharing between the two services is not feasible.<sup>8/</sup>

In this regard, Motorola categorically rejects any suggestion that the Commission define the interference criteria for the IRIDIUM System based upon anything other than the system's noise floor. This issue was fully addressed in the meetings sponsored by the Commission staff leading up to the First Report and Order, and no useful purpose would be served by revisiting it in the context of the Fourth Notice.

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<sup>5/</sup> Id.

<sup>6/</sup> See Comments of Texas Instruments, Inc. at 10-11, Comments of RioVision, Inc. at 2, Comments of Hewlett-Packard Company at 2.

<sup>7/</sup> See Comments of ComTech Associates, Inc. at 3-4.

<sup>8/</sup> Id. at 3, Comments of CellularVision Technology and Telecommunications, L.P. at 4-5, Comments of Endgate Corp. at 1.

Subject to affirmative answers to the questions posed in the Fourth Notice, Motorola supports the Commission's proposal to allocate to LMDS up to an additional 300 MHz of spectrum at 31.0-31.3 GHz on a primary protected basis. Motorola also supports the Commission's decision to limit LMDS use of the 29.1-29.25 GHz band for hub-to-subscriber traffic.

Respectfully submitted,

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Dated: August 22, 1996

## **CERTIFICATE OF SERVICE**

I, Brent H. Weingardt, hereby certify that copies of the foregoing  
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hand delivery, as indicated, this 22th day of August, 1996, on the following persons:

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